

# REGISTRATION AND RECOGNITION

Documenting the Person in World History

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## Birth of the 'Secular' Individual: Medical and Legal Methods of Identification in Nineteenth-Century Egypt

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THIS CHAPTER DELINEATES THE WAYS in which ambitiously independent governors in the nineteenth-century Egyptian province of the Ottoman empire pushed through a sustained series of medico-administrative and legal changes over the course of several decades which were primarily designed to enhance the military and internal security of their control over the province. In so doing, these medico-administrative and legal changes created, within an Islamic jurisdiction, entirely novel administrative definitions and legal processes of identity verification, which carried profound implications for a novel, much more individualized conception of identity. In this case it can be clearly historically documented how it was that bureaucratic forms of identity registration found necessary and expedient to the purposes of state of the governor in Egypt gave rise to a novel legal practice and ultimately to a concept of the individual, rather than any clear prior concept of the individual and their rights having called forth a registration procedure.

In the course of the first half of the nineteenth century the state in Egypt moved towards new forms of individualized identification and registration prompted by military reform, especially the recruitment needs of a domestically conscripted army. These administrative measures, drawn from the new large conscript armies of post-Napoleonic Europe, served as the motor of individualization, ironically bolstering the very personalized forms of power that were deployed by Egypt's governors, most notably Mehmed Ali and his family. Similarly, a wide-ranging programme of public health, with its roots in the need to keep soldiers well enough to fight, spread through Egypt after the 1820s, producing a statistically-driven state-power that was directed at the conditions of health in the cities, and amongst child-bearing women in particular. Mehmed Ali also deliberately extended the logic of individualization into Egyptian law, requiring new forms of named and written identification in place of the reputational and oral witnesses that were common in *sharī'a*. The chapter concludes with a discussion of the official certificates of identification and movement control that were used to control peasants in particular.

## Ottoman Egypt: sovereign power and the logic of exaction

Throughout the first three centuries of Ottoman rule in Egypt we cannot discern any awareness by the authorities of what Foucault would call the 'problem of population'. As is shown below, there was indeed a concern about the 'populousness' of Egypt, i.e. the overall well-being and tranquillity of the residents of this wealthy province of the empire. However, it was primarily as an index of the wealth of his empire that the Ottoman sultan was interested in the residents of Egypt. The sultan, his viziers and his governors were also concerned about Egypt's ability to feed the empire and also to provide enough food for the poor and needy pilgrims during the annual Hajj.

Remarkably absent from the Ottoman administrative mind was any effective means to deal with the repeated plague epidemics that were known since the middle of the fourteenth century to hit the country every nine years (see Chapter 11; Dols 1979, 167–168; quoted in Mikhail 2011, 214–230). Indeed, Nāsir Ibrāhīm, who has studied Egyptian social and economic crises during the seventeenth century, remarks that it was very rare for Ottoman governors or for Mamluk emirs to pay any attention to matters of public hygiene. 'It is absolutely impossible to notice any significant presence of an overall administrative policy in light of the near total absence of specialized bodies [that provided] . . . health services' (Ibrāhīm 1998, 184).

It is not that the Ottoman authorities were unconcerned about health matters in Egypt or that, more specifically, they did not worry about the devastating impact of plague on such an important province. Egypt was considered the bread basket of the Ottoman empire, and the Ottomans had set up a complex administrative and economic system that guaranteed that food grains from Egypt were regularly sent to the capital, as well as to Hijaz to support the annual Hajj. Any disruption of this vital supply of food was taken very seriously. Furthermore, both contemporary chroniclers and the orders sent from Istanbul to its governors in Cairo show that another concern foremost in the mind of the Ottoman authorities was the usual breakdown of law and order following a low Nile, famines and plague epidemics.<sup>1</sup> Following the 1695 drought, for example, an angry mob stormed the Citadel of Cairo asking the authorities to provide food rations. When the governor failed to contain these disturbances, Istanbul summarily dismissed him and appointed a new governor in his place (al-Damurdāshī Katkhudā 'Azabān 1989, 29). Related to this security concern was the fear that the lack of order in Egypt following plagues

<sup>1</sup> As Alan Mikhail (2011, 227) shows, there was a causal link between these three phenomena: low Niles usually led to famines, which in turn affected the health of the population. The weakened natural immunity made people susceptible to an outbreak of plague, and helped in turning a small outbreak into an epidemic. It was the close link between these three phenomena that led many people to believe that plague was endemic to Egypt.

and famines would make it easier for fugitives from the central authorities to seek refuge there. 'Indeed in very strong language, Ottoman authorities ordered those [Ottoman] leaders still present in Egypt to prevent any fugitives from the state from entering the province to hide' (Mikhail 2011, 223).

But it was the concern about revenue from one of its wealthiest provinces that informed the Ottoman administration's immediate reaction to news of an outbreak of plague in Egypt. For example, al-Damurdāshī (d. 1755) says that in the wake of the 1695–1696 plague, the Ottoman governor was quick to collect the administrative tax paid on title deeds, the *hulwān*, from peasants who were keen to get hold of lands made vacant after their owners had died. He used parts of these funds to celebrate the circumcision of his sons and also that of 200 boys from among Egypt's poor (al-Damurdāshī Katkhudā 'Azabān 1989, 31–33; al-Jabartī 1994, 1: 163). Following the devastating plague epidemic of 1791 an imperial *firman* was sent to the governor in Cairo ordering him to provide information on which Ottoman officials had fled the country so that the state could seize their property and moneys (al-Jabartī 1994, 3: 295).<sup>2</sup>

At the same time, various Ottoman governors were aware that a balance needed to be struck between this 'exaction logic' and the need to preserve the peace following a plague epidemic. Thus we see Maksūd Pasha, the Ottoman governor in 1643, ordering the officials of *bayt al-māl* – a government body responsible for, among other things, registering the legacies of the deceased – to desist from going about their business during the plague. The contemporary chronicler al-Bakrī (d. 1650) says that in issuing this order the governor wanted to lift the financial burden from the plague victims' survivors. He adds that the delayed burials that such registration entailed prompted the governor to cancel the required registration of the dead, and that 'survivors should bury their dead without registration'.<sup>3</sup> Thus although the Ottomans were very aware of the significance of Egypt and its productive capacities for the wealth and well-being of their empire, they never developed a policy that could be interpreted as signalling an understanding of the 'problem of population'. They were indeed concerned to maintain the productivity of Egypt but there were no specific measures put in place to account for, or to increase the productivity of, its population. The Ottoman sultans and their governors in Egypt ruled according to what Foucault would call 'the reason of state', which although it involved a concern with 'numbering the people' (Glass 1973) – taking stock of the population as it is an index of the wealth of the realm – did not express an interest in the 'population' as an abstraction.

<sup>2</sup> Başbakanlık Osmanlı Arşivi (Prime Ministry's Ottoman Archives, Istanbul), Hattı Hümayun, 1412/57500 (29 Z 1205/29 August 1791); quoted in Mikhail 2011, 224.

<sup>3</sup> Muḥammad ibn Abī al-Surūr al-Bakrī, 'al-Kawākib al-Sā'ira fī Akhbār Misr al-Qāhira', fol. 80, quoted in Ibrāhīm 1998, 187.

## Quarantines and their 'refined declension'

On 24 March 1799, placards were put up throughout Cairo with regulations printed by the French military authorities which had established themselves in Egypt the previous year. The regulations read as follows:

An address to the people of Cairo, Bulaq, Old Cairo and vicinity. You shall obey, uphold and observe, without opposition, the orders. Anybody opposing them will encounter abundant vengeance, painful punishment and severe retribution. They are precautions against the disease of the plague. In the case of anybody whom you know certainly, or believe imagine, or suspect to be suffering from this illness in any place, house, caravansary or building, it is your duty and obligation to establish a quarantine, and the place must be closed off. The elder of the quarter or street in which this occurs must immediately inform the French officer who is the district supervisor. He, in turn, will report it to the shaykh al-balad, the commandant of Cairo and its districts. This must be done promptly. The same holds true for every community of Egypt, her provinces, and districts. If any physicians examine and verify an incident of this disease, each of them must go to the local commandant and report it to him, so that the latter can give appropriate orders to protect and safeguard from this illness. Any of the chiefs of sections, elders of quarters, and police of districts who has information concerning this disease and does not record it will be punished as the commandant sees fit. Neighbourhood elders will be punished with 100 lashes for failure to report. It is also decreed that anyone who is infected, or in whose house a case occurred among his family or relatives, and who moves from his house to somewhere else, shall suffer capital punishment.

(al-Jabartī 1994, 3: 81–82).

As indicated above, there was nothing in the health measures devised by the Ottoman administration in Egypt that remotely resembled this quarantine regulation. The logic that lay behind quarantines and the associated military-style regulation of population would take several decades to develop in Egypt and one can see it eventually culminating in the late 1840s with the undertaking of the first nationwide census. It is therefore necessary to follow this logic step by step in order to highlight not only its genealogical development but also its archaeological ruptures.

Following the departure of the French in 1801 and the accession of Mehmed Ali Pasha as Ottoman governor of Egypt, quarantines were repeatedly imposed at the outbreak of the plague and other epidemics, most notably cholera. Thus, when plague spread to different parts of Lower Egypt in 1813, the Pasha ordered a quarantine on Giza where he intended to reside. 'The chiefs of police were instructed to order the people and shop owners to keep their places constantly swept, sprinkled and clean and to air their clothes' (al-Jabartī 1994, 4: 244). During his long reign Mehmed Ali repeatedly expressed his firm belief in the efficacy of quarantines and he ordered their imposition during numerous plague and cholera epidemics. In 1828, for example, he ordered his son-in-law, Mūharrem Bey, who was governor of Alexandria, to consult with foreign consuls in the city to draft quarantine

regulations and to enforce them in the rapidly expanding port city (Sāmī 1928, 2: 228). Besides Alexandria, quarantines were imposed on the ports of Damietta in 1829 and Rosetta in 1831. Eventually, and facing the alarming outbreak of the cholera pandemic of 1831–1832, an international quarantine board was established in Alexandria composed of the different European consuls in the city, the first such attempt at international disease control (Kuhnke 1990, 94).

Between the early quarantine of 1813 and the ones imposed in the 1830s and later a significant difference can be detected. For one, whereas the 1813 quarantine imposed on Giza was ordered primarily ‘thanks to the desire [of the Pasha and his entourage] for the life of this world and their fear of the plague’, as al-Jabartī disparagingly remarks (1994, 4: 244), the later quarantines did not aim at protecting a particular set of people, however haughty their status might have been, but at safeguarding the population as such. The difference between the 1813 quarantine and the later ones is indicative of what Foucault would call the transformation of the concept of population from sovereignty to governmentality. In other words, between the 1813 quarantine and the quarantines of the 1820s and 1830s the ‘problem of population’ had emerged for those governing Egypt.

### Conscription and the emergence of the population problem

To understand this transformation in the concept of population in Egypt in the first half of the nineteenth century, it is necessary to place these transformations in their military context. Thus, it is important to keep in mind that initially Mehmed Ali’s sole source of legitimacy as governor of Egypt was the *firman* that arrived from Istanbul bestowing on him this coveted governorship. However, the sultan only issued this *firman* with reluctance after his previous attempts to assign other governors had failed. Unlike previous governors of Egypt, who would typically have come from within the establishment in Istanbul, who would have been known within the leading households there, and for whom the governorship of Egypt would have been but a step in their advancement within the empire’s bureaucracy, Mehmed Ali was a complete unknown quantity to the ruling factions of the capital. Besides all this, Egypt was too important a province to be entrusted to an outsider, and it was only a matter of time before Istanbul would try to remove him from this coveted position. These questions about how he was regarded in Istanbul must have caused deep anxiety for Mehmed Ali – an anxiety that was heightened by the fact that the investiture *firman*s were valid only for one year, and had to be renewed from year to year – making him wonder how long his tenure as governor of Egypt might last.

After failing in his attempts to build an army from foreign sources (Fahmy 1997, 85–111), Mehmed Ali took a fateful decision in February 1822 to turn to the population of Egypt to create the disciplined army that he felt was desperately needed to protect his realm and shore up his nascent household government. In

letters to his provincial governors in Upper Egypt he ordered the gathering of 4,000 peasants to be sent to specially created training camps in Aswan. Initially it was decided that these peasants would be conscripted for a period of only three years, after which time they were to be given a stamped certificate proving that they had served in the army, and also a lifelong exemption from the land tax. In practice, however, these conscripts were often pressed into the army for life.

The decision to conscript Egyptians marks a decisive turning point in Mehmed Ali's administration and one can safely say that what Foucault would call the 'problem of population' made itself manifestly obvious as a direct result of difficulties encountered in pressing Egyptian peasants into the new army and in finding ways to keep them from deserting or from falling prey to disease. In what follows, we trace the different measures put in place to deal with these problems.

In its early days conscription followed the same 'logic of exaction' that characterized sovereign power. A conscription gang would descend on any given village and proceed to gather as many men as they could, sometimes with the assistance of the village shaykh, sometimes not, 'without any order, arrangement, inscription or lot-drawing' (Bowring 1840). These men would then be tied together with ropes around their necks in groups of six or eight (Planat 1830, 76-77). They would be marched off to the training camps escorted by the conscription gang, leaving behind 'a heart-stricken, sorrowful group [of wives, mothers and children], some absorbed in sullen grief, others weeping bitterly' (St. John 1834, 2: 277).

It did not take much time for the authorities to discover the serious drawbacks of this logic of exaction. For one thing, this crude system of conscription triggered a serious backlash of resistance, and for two years the government was busy quelling two huge revolts, one in the Delta and the other in Upper Egypt. For another, it was soon discovered that many people were gathered from their villages and thus removed from the productive agricultural sector only to be found too old or infirm to serve in the army. Most seriously, the authorities suffered from the critical lack of any reliable information on the population. As early as 1825 when Mehmed Ali was informed that 7,494 men had been gathered for the army during the previous year, he wrote back to the director of the newly established War Department enquiring what this figure really meant: 'We have to know in the first place the number of men demanded from each province and the number actually gathered so that we know the number still remaining.'<sup>4</sup> In an earlier order the Pasha wrote to the same official telling him to prepare a register giving the names of those soldiers who had been pressed into the army so far, with the information broken down to the province, department, district and village from which they had been gathered.<sup>5</sup> Similarly, in order to replace those soldiers who had died or deserted,

<sup>4</sup> Egyptian National Archives (hereafter ENA), Ma'iyya Saniyya, Reg. no. S/1/48/2, letter no. 102, 9 Muharram 1241/25 August 1825.

<sup>5</sup> ENA, Ma'iyya Saniyya, Reg. no. S/1/48/1, letter no. 192, 25 Jumād Thānī 1239/27 February 1824.



detailed registers had to be drafted, stating, name by name, the provinces from which they had been conscripted.<sup>6</sup>

Desertion and absconding were the most serious problems that continued to irk the military authorities in their constant attempts to keep the army from falling apart completely. Even well into the 1830s desertion reached epidemic proportions: an investigation carried out in 1837 put the number of deserters in the army at 60,000, in addition to 20,000 deserters from the navy. Given that the size of the army at that time could not have exceeded 130,000, this meant that for every two conscripts, one soldier had managed to escape.

In the early years of the army the authorities attempted to curb desertion by branding the bodies of conscripts so that they could easily identify them and return them to their military units.<sup>7</sup> Gradually, an alternative method was used, namely the compilation of specific registers giving the name, physical description, village and province of the deserter so that orders could be sent to the village shaykh to arrest the said deserter.<sup>8</sup> By the 1830s, to stamp out the widespread phenomenon of desertion and absconding, it was decreed that every villager should carry a stamped certificate or passport (*tadhkara*) which should state his name, his father's name, his physical description, and his village. If found roaming around the countryside without this certificate, he would be immediately sent back to his village of origin. Even village shaykhs were ordered to carry these *tadhkaras* on entering Cairo.<sup>9</sup> Ultimately a special government department, the Department of Catching Absconders, *ma'mūriyyat dhabt al-missahhabīn*, was established in the mid-1830s (Najm 1989).

## The birth of the medical and public hygiene establishment

We thus see the gradual abandonment in Egypt of ways of thinking of the population that were characteristic of sovereign power, and the steady adoption of new policing techniques that attempted to detect, account for and fix individual members of the population. A key turning point of the emergence of the 'problem of population' was the founding in 1827 of a new medical school which was aimed initially at producing doctors needed for the army. The director of this new impressive institution was a French doctor from Marseilles named Antoine-Barthélemy Clot who had been hired two years earlier, in February 1825, by Mehmed Ali as chief medical officer of the newly founded army. Over a number

<sup>6</sup> ENA, Ma'iyya Saniyya, Reg. no. S/1/48/1, letter no. 101, 21 Rabi' Thānī 1239/26 December 1823.

<sup>7</sup> ENA, Ma'iyya Saniyya, Reg. no. S/1/48/2, letter 360, 22 Sha'bān 1241/7 October 1825. This seems to have been applied mostly to naval soldiers. The tattoo was a sign of a ship and/or an anchor.

<sup>8</sup> ENA, Ma'iyya Saniyya, Reg. no. S/1/48/1, letter 364, 23 Jumad Awwal 1239/21 July 1824.

<sup>9</sup> ENA, Ma'iyya Saniyya, Reg. no. S/1/48/4, letter 226, 5 Rabi' Awwal 1249/23 July 1833.

of meetings with the Pasha the Frenchman argued that experience had shown that the ravages of disease had a more disastrous effect on the soldiers than wounds suffered on the battlefield, and that the best way to protect the new army was to found a medical corps to train doctors locally. Dr Clot added that towards that end he proposed to teach a nucleus of 150 students in a newly constructed medical school that would eventually supply the army with doctors, surgeons and pharmacists. A few years later, a British traveller visited that medical establishment (located at Abū-Za'bal to the northeast of Cairo) and wrote a very favourable account of it (St. John 1834, 2: 401–402). In 1837 – ten years after its foundation – Dr Clot persuaded the Pasha that the school-hospital was too far from Cairo; that patients incurred considerable costs to go there and that it had to be moved nearer to the city. After some hesitation, Mehmed Ali gave his orders for the school to be moved to Qasr al-'Ainī, in Cairo's western environs, and from that time till the present day the medical complex came to be known as the Qasr al-'Ainī medical school and hospital.

In a few years Qasr al-'Ainī managed to teach around 420 doctors for the Pasha's army and navy (Sandwith 1901, 11); moreover, it soon became a centre of a far-flung medical establishment that reached well beyond the confines of the military.

### **The School of Midwives**

Another key institution that played a decisive role in the 'production of population' was the School of Midwives, founded in 1832. The origins of the school lay in the realization that, in addition to plague and cholera, Egypt was suffering from a high rate of smallpox infection among its infant population. It has been estimated that, by the early 1820s, 50,000–60,000 children were falling prey to smallpox annually, making it responsible, alone, for increasing the infant mortality rate by forty or fifty per thousand, increasing, in turn, the overall annual death rate by something between three and four per thousand (Panzac 1987, 18). In response, as early as 1819 the Pasha ordered his deputy to institute a programme of vaccination against smallpox throughout the country (Sāmī 1928, 2: 278, letter dated 5 Ca 1234/2 March 1819). Five years later, in 1824, the Pasha requested M. Drovetti, the French Consul-General, to secure a number of doctors from France who could administer a wide vaccination programme in the countryside. Three such doctors arrived in Egypt and started to vaccinate the fellahin against smallpox in various provinces in Lower Egypt, then moving to Middle Egypt the following year. After Dr Clot's arrival in 1825 and his taking over the entire health establishment, he persuaded the Pasha that any effective control of smallpox and other diseases necessitated checking the health and hygiene of women and children, who had hitherto not been the target of public policy. Women, Dr Clot reasoned, 'must be trained to help safeguard the health of Egypt's women and children' (Kuhnke 1990, 123). Concerned about the size of the population and the heavy burdens of his various conscription and *corvée*

orders, the Pasha finally accepted the counsel of his chief medical adviser and in 1832 approved the establishment of a school for midwives.

### **The Shura al-Atibba: the far-flung public hygiene establishment**

By the late 1830s and early 1840s the hundreds of doctors who graduated from Qasr al-'Ainī were no longer tied to the army; they had been appointed to serve in public clinics that had been opened in urban centres. These young doctors were also sent to the factories, schools, dockyards and government establishments that had been erected throughout Egypt. Most importantly, the young graduates of Qasr al-'Ainī and the female graduates of the School of Midwives were appointed to the police stations in urban centres and in provincial headquarters in rural areas.

Placed under the jurisdiction of the General Health Board in Alexandria (Majlis Umūm al-Siḥḥa), these numerous male and female physicians, nurses and pharmacists were entrusted with wide-ranging duties (see Kuhnke 1990, 167–177, appendices 1 and 2). Besides conducting preliminary check-ups on urgent cases and issuing *tadhkaras* permitting patients to be admitted to hospitals, these health officials were also responsible for conducting a nationwide vaccination programme against smallpox for all children (a programme that seems to have been quite successful), for overseeing the intricate operation of imposing strict quarantine regulations during epidemics (especially cholera and plague), and for supervising an elaborate system of forensic medicine to decide on suspected homicides and various other suspicious cases. In addition to being posted at police stations, these new graduates of Qasr al-'Ainī were also posted in the newly founded health clinics of Cairo, the *makātib al-siḥḥa*. These were public clinics offering medical services to the urban population free of charge. Reportedly, 21,468 outpatients were treated between 1845 (when the first six such clinics were established) and 1848, when their number was raised to eight: six for Cairo's eight quarters (*tumns*), one for Būlāq, and one for Old Cairo. These clinics treated common ailments such as ophthalmia, scabies, syphilis, and dislocated or broken limbs. In addition, they were to offer 'free consultation for all the city's inhabitants; emergency aid to victims of drowning or asphyxiation; dressing injuries; free vaccination; dispatching hakimas [i.e. the women graduates of the School of Midwives] to confinement cases, [and] verifying and certifying causes of death' (see Kuhnke 1990, 142, which is all derived from *al-Waqā'i' al-Misriyya*, Mehmed Ali's gazette).

Besides treating prostitutes who constituted a grave danger to the health of the fighting force, the graduates of the School of Midwives were eventually appointed in police stations to work as forensic doctors (mostly checking female corpses and establishing the cause of death). They were also deployed as important government officials to administer the traditional midwives who numbered in the thousands and who had the necessary information about newborn babies. These young women

(their number was very small: not exceeding sixty at any one time) therefore were more than simple midwives: they were female doctors entrusted with many crucial duties in the rapidly expanding public health administration. While still far short of a national system of birth registration, the vital information gathered from the traditional midwives by these young female doctors played a crucial role in expanding the reach of the public health establishment to the female half of the population (Fahmy 1998).

### The 1848 census and the triumph of governmentality

As we have seen, Mehmed Ali and his military authorities were keen to have as accurate a picture as possible of the population of Egypt from as early as the 1820s. The different attempts to count the rural population were based on house counts and it was on the basis of these house counts that estimates of population were produced. Starting from the early 1840s, however, one can detect a shift from population estimates to counting the population – that is, genuine census-taking. That shift was made possible as a result of the far-flung public hygiene establishment described above. The public clinics in urban centres and the provincial headquarters, the nationwide system of registering newborn babies as well as accounting for all cases of death, and the incorporation within that public health establishment of the thousands of traditional midwives and rural barber-surgeons – all of these factors made it possible to launch a census based on counting individuals and not just houses.

In their study of the 1848 census, Cuno and Reimer assert that,

while there was census activity throughout the mid to late 1840s, the only thorough enumeration of the population of Egypt in those years was begun in either late 1263/1847 or early 1264/1848. Unlike a modern census it was not carried out in a single day . . . but neither were its data compiled over a two- to three-year period . . . Rather, it appears that the 1848 census was completed over a period of several months. In Cairo it was carried out from late January to late July 1848, while in the provinces it may have begun somewhat earlier. Further archival research may result in precise dates for the entire census of 1848, but at any rate it appears to have been completed in less than a year.

(Cuno and Reimer 1997, 200)

The registers of this impressive census (which number more than 7,000 registers, all preserved in the Egyptian National Archives) give a breakdown of the population by location, ethnicity and sex, with a comprehensive listing of the ages and occupations of the males, while the females were listed as either adults or juveniles. Foreigners and migrants are also listed.

The 1848 census marks a crucial turning point in the story of the emergence of the problem of population in nineteenth-century Egypt. From as early as 1827 Mehmed Ali had remarked that 'the welfare of the people depends on a good

census',<sup>10</sup> and twenty years later he seemed to have managed to produce exactly that: a good census. This census was a product of over two decades of experimenting with different ways to control, monitor and police the population. From the early days in which men were rounded up with ropes around their necks or were tattooed so that they might be detectable after desertion from the army, to the time they were forced to carry passports on moving from one village to another, the administration had come a long way with its ability to enlist the village shaykhs to produce the vital information needed to compile the census. With this tool at hand the government could now produce 'demographic estimates, the calculation of the pyramid of ages, different life expectancies and levels of mortality, studies of the reciprocal relations of growth of wealth and growth of population, various measures of incitement to marriage and procreation . . .' (Foucault 1980, 171).

As an example of what now became possible in an Egypt of censuses we can turn to the detailed statistical report written in 1874 by Cairo's Chief Health Inspector and presented to the Privy Council to be submitted ultimately to the Khedive (as Egypt's governors came to be known, starting from 1867), and see the degree of confidence in the public hygiene administration with which it was written. The report not only had an estimate of the overall population of Cairo (450,000), but it also had precise figures of the mortality of each quarter and their progression over time. The Egyptian public health officials therefore could compile these figures and use them to read the city, so to speak – map them out to detect which neighbourhoods were more salubrious than others and then deduce conclusions and make specific policy proposals.

Equally important was the ease with which Cairo's Chief Health Inspector could compare the public hygiene situation of his city with that of major European cities.<sup>11</sup> Despite enumerating many factors that he deemed harmful to Cairo's air (the *khaliij*, i.e. the waterway that bisected the city from south to north, sewers, cesspools, cemeteries and slaughterhouses) – factors that might have been peculiar to Cairo – he nevertheless reached the conclusion that, in the final analysis, there was nothing fundamentally different that marked Cairo off from other major cities. It was overcrowdedness, as measured by the number of inhabitants per house, rather than any cultural, religious or climatic factors that most affected the salubriousness of the city; and with reliable figures about this particular factor at his fingertips, he could then compare Cairo's mortality figures with those of European cities.

With their origins lying ultimately in Mehmed Ali's founding of a modern army in order to make his position in Egypt secure and to alter the relationship between Cairo and Istanbul, the medical and public health administrations grew rapidly through the 1820s and 1840s, managing to produce an impressively precise national

<sup>10</sup> ENA, Ma'iyya Saniyya, Reg. no. S/1/48/3, letter 107, 2 Sha'bān 1242/1 March 1827.

<sup>11</sup> ENA, Majlis al-Khusūsi, Reg. no. S/11/8/22, doc. no. 10, pp. 12–14, 17 Shawwāl 1291/27 November 1874.

census at the end of that period. With that census as a database and with periodic updating based on revising natality and mortality figures supplied by midwives and undertakers, respectively, the authorities had at their disposal a tool that made it possible to think of and deal with the inhabitants of Egypt in terms of 'population', i.e. as capable of being aggregated in terms of age, gender and ethnicity, and analysed in terms of their locality and professions, and subjected to government policy in the areas of employment and internal migration.

### The role of law in Mehmed Ali's project

If we shift our analysis from the fields of medicine and public hygiene to those of law and public order we can see how the appearance of the problem of population also entailed an 'individuating logic' of far-reaching consequences. The records of various legal bodies established in the nineteenth century show us how this individuating logic was deployed not only by the state and its agencies but also by members of the population as well. As early as the late 1820s Mehmed Ali had hit upon the importance of following earlier Ottoman practices in adapting the law to be a tool to consolidate his rule in Egypt and to tighten his grip over this Ottoman province. During the decades to follow and up to the early 1880s a complex legal system was created in Egypt that effectively set Egypt off as a realm independent from the Ottoman empire. This emerging legal system was predicated on supplementing the *sharī'a* courts, which had been operational in Egypt for centuries, with what was referred to as *siyāsa* – discretionary powers exercised by Mehmed Ali and his descendants to adjudicate criminal cases in novel legal institutions called *majālis siyāsiyya*: *siyāsa* councils. While elucidating the nature of this complex legal system is beyond the bounds of this study, what is of concern here is to show how the new administrative tools of identifying people, which were the product of the medical and public hygiene establishments, were employed by the *siyāsa* councils, and how the notion of individuality that these tools gave rise to was fundamentally different from that which had traditionally informed the *sharī'a* courts.

Soon after arriving in Egypt, Mehmed Ali turned to members of his immediate family to help him run his newly-won province. However, having hit upon the idea of establishing a loyal household as the best strategy with which to ensconce himself in Egypt, the problem that now confronted the Pasha was how to control the members of this household and to keep them in check. Fatherly words of advice sometimes worked; at other times, firm punishments had to be meted out. But Mehmed Ali knew that these were only palliative measures and his political instincts told him that a more lasting solution had to be found.

It was here that law proved to be invaluable, for there is ample evidence to show the Pasha was intimately aware of how previous dynasts, especially the

Ottomans, attempted to use law as a tool for consolidating their rule. Of particular importance was how the Ottomans – that is, in the narrow sense of the word, ‘the house of Osman’ – attempted to rein in their elite members, the ‘*askari* class, so as to prevent them from encroaching on the rights of their subjects, the *re’aya* (Arabic: *ra’iyya*). Here the Ottoman sultans relied on the classical Islamic concept of *siyāsa shar’iyya* which allowed the ruler to pass legislation that was seen as complementary to Islamic law, the *sharī’a*. The Ottomans called the resulting legal codes ‘*qānūns*’, and the increasingly sophisticated legal system that ensued from such acts of legislation was known as ‘*siyaset*’ (Arabic: *siyāsa*). They thereby supplemented *sharī’a*, which is most vocal in private law matters, with *siyaset*, which is strongest in matters pertaining to public law (see Peters 2005, 69–102; and Imber 1997, 24–62).

Of particular value to Mehmed Ali were the *qanunnamehs*, or legal codes, that the Ottoman sultans had been repeatedly passing to prevent their elite members from abusing the privileges granted to them and from encroaching on the rights of the commoners. From the late 1820s the Pasha started to pass many such legal codes in Egypt to organize various aspects of his relationship with both his elites and his subjects. Called *qānūns*, they had no precedent within Ottoman Egypt as never before had there been an Ottoman governor who had given himself such legislative rights. These codes attempted to control the members of the household elite by criminalizing some of their acts (bribery, laziness, negligence, feigning ignorance of orders and regulations, etc.) and by stipulating corresponding punishments (mostly fines and imprisonment, physical punishment being reserved for the commoners). At the same time, these legal codes defined the crimes committed by the commoners and set fixed penalties for their perpetrators.

More significantly, and in parallel with the traditional *sharī’a* courts, numerous *siyāsa* councils were established and were staffed by provincial and/or bureaucratic administrators to implement the *qānūns* that the Pasha had passed. Again what concerns us here is not so much the overall contrast between *sharī’a* and *siyāsa* with regard to notions of justice, or the procedural and substantial differences between the respective means of adjudicating legal cases. Rather, what is of interest is how these two different branches of the legal system went about establishing the identity of litigants appearing in front of their respective institutions: the *sharī’a* court and the *siyāsa* council.

The *sharī’a* has elaborate rules to establish personal identity. Like other pre-modern legal systems (see Chapters 6 and 7), *sharī’a* identifies individuals by locating them carefully in their social setting and by taking note of their embodied relations. In his court, the *qādī* (i.e. judge) would do this by relying on upright individuals who had a good reputation in their community and who would be able to vouch for those people living in a given area who used the court to settle their disputes. Indeed, the jurists agreed that the *qādī* could not accept the testimony of witnesses unknown to him until their probity had been ascertained by reputable

individuals.<sup>12</sup> Those reputable individuals, known as *shuhūd al-hāl* or *al-shuhūd al-'udūl*, were an essential part of the court and 'the entire weight in the identification of witnesses rested on the human links of interpersonal knowledge' that they provided (Messick 2002, 256). Accordingly, they were often considered part of the regular personnel of the court, and the *sharī'a* court records often mentioned the *qādī*'s order appointing them to his court. Most crucially, *al-shuhūd al-'udūl* played a fundamental role in identifying the litigants. The following 1865 entry from the *sharī'a* court of Mansūra in the Delta is a good example of how the *al-shuhūd al-'udūl* helped the judge establish the identity of those individuals who appeared in his court:

Al-'Adawī Tāhā al-Maghallāwī of Mansūra the son of the late Hajj Tāhā al-Saqqa [the water-carrier] arrived in the *sharī'a* court of Manusūra, and after he had been identified by the testimony (*ba'da thubūt ma'rifatihī bi-shahādat*) of both the honorable [*al-mukarram*] 'Abd al-Mit'āl Shāhīn al-Hāyik, the son of the late al-Mitwallī Shāhīn, and Sayyid Ahmad al-Maghallāwī, the son of the late 'Alī Sayyid Ahmad, both from Mansūra, confessed and testified (*aqarra wa i'tarafa*) that ...<sup>13</sup>

As can be seen from this typical entry, the litigant's name is not enough to identify him/her. Neither is it enough to mention the town of residence, or the father's profession. This information had to be corroborated by two '*udūl*' witnesses, whose patronymic names and the names of their fathers are also recorded. These two *shuhūd al-'udūl*, 'Abd al-Mit'āl Shāhīn al-Hāyik and Sayyid Ahmad al-Maghallāwī, were denizens of the same city, Mansūra, and one has to assume that they knew the litigant in person, helping the *qādī* in the crucial task of establishing the identity of the litigants. In other words, the very initial stage of a legal case (and the entire legal system of the *sharī'a*) depends on closely embedding people in a communal context to fix their identity. The individual as an autonomous, isolated person, conceived of as existing outside locally-specific social relations, was an unknown category as far as the pre-modern legal system was concerned.

### ***Siyāsa's methods of identification***

By contrast, the *siyāsa* system knew none of these complex mechanisms of identifying litigants and witnesses. Instead, it appears that one's name, one's father's name and one's domicile were often enough for the *siyāsa* authorities to establish juridical identity. Occasionally one's profession was also stated. It was therefore typical for a record of a criminal case to start by simply stating such information, as follows:

<sup>12</sup> See, for example, Ibn Qudāmah (1970, vol. 10, 57).

<sup>13</sup> ENA, Muḍīriyyat al-Daqahliyya, Mahkāmat al-Mansūra al-Shar'iyya, Reg. no. 2 (old no. 14), case no. 190, p. 20, 28 Rajab 1282/17 December 1865. For the role of the *shuhūd al-hāl* in identifying litigants, see Messick 2002, 255ff.; Farahāt 1988, 77.



an individual (*shaks*) named Khalīl Sāba, the Greek grocer who lives in Tanta [in the Delta], filed a complaint with the deputy [governor] of the city (*mu'āwin al-bandar*) that two people had come to his drinking hole (*khammāra*), one named As'ad Dāghir and the second named 'Abdallah Tanūs al-Dayrūtī, and they were soon joined by Ibrahim 'Abdallah al-Bayrūtī . . . Khalīl al-Dīb and Miḥim al-Sammāsh, all from Syria (*min al-diyār al-shāmiyya*) . . .<sup>14</sup>

Sometimes one's father's name was not even mentioned, as in the case of 'the woman (*al-ḥurma*) named Alfīyya who lives on Hārat Bahlawān in the Sayyida Zaynab district (*khutt*)' and who presented a petition to Dīwān Kethuda (Arabic: Katkhuda) accusing a certain Hajj Khidr of killing her son, Hassan.<sup>15</sup>

However, and as can be expected, in the absence of *'udūl* witnesses who could help in identifying litigants and witnesses, there was room within the *siyāsa* for people to lie about their true identity and to assume different names. Sometimes this was done for innocent reasons, as was the case with a woman who claimed her name was Khadra, the daughter of the late Muhammad al-Kharrāt originally from al-Munsūriyya, Gīza. When she was caught stealing in Cairo, she was sent back to her village, only for the Governorate of Gīza to write back saying that her true name was Sayyida, the daughter of Khadra. Asked why she had lied about her name, she answered that she went about by that name, Khadra, which, if truth be told, was in fact her mother's name, not hers.<sup>16</sup> In another instance, a man named Maḥmūd Mustafā from the town of Damanhūr in the Delta was caught red-handed stealing cloth in Cairo. In the police station he confessed that his real name was Khalīl Abū Tūr, that he was indeed from Damanhūr, but that earlier he had been convicted of theft, imprisoned, and had escaped from prison, and was currently on the run. Knowing that prior records were crucial in determining punishment, Khalīl was probably hoping to evade his prior record and thus receive a lighter punishment.<sup>17</sup>

<sup>14</sup> ENA, Majlis al-Ahkām, Reg. no. 7/10/31 (old no. 635), case no. 26, pp. 15–17, 8 Jumādā Awwal 1282/29 September 1865.

<sup>15</sup> ENA, Dhabtīyyat Misr, Reg. no. L/2/67/4, case no. 33, pp. 11–13, 8 Rabī' Thānī 1270/8 January 1854. Dīwān Kethuda, also known as Dīwān Khidīwī, was concerned with domestic, non-military affairs, and was presided over by the pasha's deputy, his *kethuda*, hence its name. Most of its responsibilities were taken over by Diwan al-Dākhiliyya, or the Department of the Interior, when this latter was established during Ismā'īl's reign.

<sup>16</sup> ENA, Dhabtīyya Misr, Reg. no. L/2/6/3 (old no. 2030), case no. 115, pp. 87–89, 3 Safar 1295/6 February 1878. She was still found guilty of theft and it was explicitly stated that her changing her name made her even more suspicious. See also the case where a slave was caught who had been using three names: ENA, Muhāfazat Misr, Reg. no. L/1/2/1, letter no. 4, from the Muhāfazat to the Dhabtīyya, p. 14, 8 Rabī' Awwal 1271/29 November 1854; and L/2/6/1 (old no. 2027), case 48, pp. 89–91, 16 Sha'bān 1294/26 August 1877, concerning a woman called Imbarka daughter of Mustafā al-Sabbākh who claimed that her name was Fatma daughter of 'Alī Muḥammad, when she was caught stealing some brass kitchen utensils.

<sup>17</sup> ENA, Dhabtīyyat Misr, Reg. no. L/2/6/2 (old no. 2028), case no. 113, pp. 23, 26, 8 Shawwāl 1294/5 October 1878.

To get around the frequent problem of people hiding their true identity by changing their names, it was common to add domiciles and professions as further markers to help with identification. For example, when the Governorate of Cairo (Muhāfazat Misr) wrote to the Cairo police headquarters (Dhabtiyyat Misr) to fetch a certain Muhammad Badawī for some legal dispute,<sup>18</sup> the Dhabtiyya wrote back saying that, 'without specifying this person's profession and his domicile it is impossible to locate him, as there are many people who carry this name'.<sup>19</sup> Eventually, it was only after receiving information saying that the man in question was a carriage driver (*sāyīs*) who worked on the estate of the late Ibrāhīm Pasha Yegen, that it proved possible to identify and arraign him.<sup>20</sup>

It was also common for people to assume different names, not as a means of evading a prior record but to assume the identity of their betters. And in a society which was highly hierarchical and whose legal system was not based on the principle of equality before the law, this was a very serious offence. A decree passed in 1845 stipulated that

anyone who uses a false name or a false title in order to appear dignified and respected (*fī mazhar al-i'tibār wa'l-waqār*) or who puts on airs of being a feared person . . . will be sent to prison for a period not less than a year and not exceeding five years in addition to paying a fine ranging from 200 piastres to 12,000 piastres.<sup>21</sup>

Not having at its disposal an identity-establishing institution like sharī'a's *shuhūd al-'udūl*, and lacking such modern documents as picture IDs, fingerprinting, DNA tests, etc. (Caplan and Torpey 2001), the *siyāsa* authorities were extremely anxious about these drifting identities. This anxiety was most acute in the case of people who had no domicile and who roamed around the city with no clear residence and/or profession. As far as the authorities were concerned, these people could only mean trouble, and both police records and contemporary laws are replete with expressions of this anxiety (Ener 2003, 30–37). A man called Ibrāhīm Muḥammad, for example, was accused of petty theft, and the fact that 'he is [originally] from Cairo but has no known domicile, no relatives, works as a labourer in the morning and sleeps in the streets and in empty places [at night]' was enough to convict him. When Muhammad Darwīsh seduced a military cadet into dropping out of school and going with him to Alexandria to spend a good time together, and when his military school

<sup>18</sup> ENA, Dhabtiyyat Misr, Reg. no. L/2/40/9 (old no. 529), Wārid 'Ardhālāt, incoming letter from Muhāfazat Misr no. 1117, p. 48, 8 Rabī' Awwal 1279/3 September 1862.

<sup>19</sup> ENA, Dhabtiyyat Misr, Reg. no. L/2/11/12 (old no. 565), Sādir 'Ardhālāt, outgoing letter to Muhāfazat Misr no. 9, p. 7, 18 Rabī' Awwal 1279/13 September 1862.

<sup>20</sup> ENA, Dhabtiyyat Misr, Reg. no. L/2/11/12 (old no. 565), Sādir 'Ardhālāt, outgoing letter to Muhāfazat Misr no. 214, p. 85, 18 Rabī' Awwal 1279/13 September 1862.

<sup>21</sup> ENA, Majlis al-Ahkām, Daftar Majmū' Umūr Jinā'iyya, p. 47, law no. 4, 1261/1845. This is a unique and highly important register compiled during Ismā'īl's reign in an attempt to compile a list of previous criminal legislation. This register has recently been published in a highly informative edition (Helal 2011), where the relevant law appears on p. 275.

sent out a circular with his physical description, both young men were caught. Darwīsh was interrogated, and after it was found out that he was unemployed (*min dūn sinā'a*) and had no home (*lā maḥall yatawattan fīhi*), he was sentenced to one year in prison. Prison records would specify if a certain prisoner was 'with no domicile' (*lam yakun lahu ma'wā*).<sup>22</sup>

This anxiety about drifters and people with no known domicile is also easily detectable in laws. Mehmed Ali's first criminal legislation (1829) had a section about 'gypsies who are wandering around unemployed in Cairo . . . [others] who are harmful to the people and inhabitants of Cairo and the villages . . . people from Hejaz and Sudan and . . . slaves, fortunes-tellers, magicians and treasure-hunters . . .'. The law went on to say that those among these people just mentioned 'who are healthy are to be removed and sent to the ironworks, those of them who are young to the troops, and those of them who are very unfit to remote regions, i.e. places like Esna [in Upper Egypt]' (quoted in Peters 1999, 189). In 1863, soon after he became governor of Egypt, Ismā'īl Pasha wrote to Majlis al-Aḥkām, ordering that 'those unemployed who roamed around as they pleased' were to be sent to the War Ministry (*Dīwān al-Jihādiyya*) to be put to work by officers in a special platoon of convicts (*firqat al-mudhnibīn*). In 1880 a general circular was issued stating that,

given that it has been known that there are [people] in the cities and ports who are homeless and unemployed and who roam around as they please and since these drifters have no purpose except to harm people, it was decided to arrest them, press them into the army, or send them to serve in eastern Sudan to get rid of their evil deeds (*wiqāyatan min shurūrihim*).

(Jallād 1899, 3: 153)

Finally, in 1891 a special order was issued giving a precise legal definition to vagabondage and imprisoning people thus defined (*al-mutasharriḍīn*) for a period ranging from fifteen to forty-five days, with the possibility of exile (Āsāf 1895, 23–29).

As indicated above, one way to curb this problem of drifting identities was to order certain people to carry on them stamped certificates or 'passports', called *tadhkaras*. As early as the 1820s the authorities were issuing these *tadhkaras*, stating the first name, the patronymic name, the physical description, and the village of its bearer. On being caught without such a certificate a peasant would be immediately arrested and repatriated to his village (Fahmy 1997, 106). When it was found out that a black market had developed in these documents and that civilians were selling their passports to soldiers and sailors, Mehmed Ali issued an order to use alternative stamps for the different passports. Precise orders were issued to the

<sup>22</sup> ENA, Dīwān al-Tarsāna, Reg. no. M/14/4 (old no. 955), titled 'Qayd asmā' al-madhnūbīn bi-līmān tarsānat Iskandariyya', p. 23, 8 Jumād Awwal 1283/18 September 1866, entry of Muhammad Hassanien who also called himself Muhammad 'Azzūz.

Cairo police commissioner to arrest village shaykhs who arrived in Cairo with no *tadhkaras*.

Concerned about the growing number of Europeans arriving in Egypt in 1850, the authorities established a 'passport authority' (*qalam al-basabūrtū*) in Alexandria, and whenever a new ship called in port this new department would compile a register with the names, physical descriptions and characteristics (*asmā wa awsāf wa shamāyil*) of those on board who disembarked and proceeded to Cairo. This register was to be sent to the Cairo police.<sup>23</sup> A similar department was established in Suez.<sup>24</sup>

It is true that these bureaucratic innovations, i.e. using patronymic names, requiring a domicile, and issuing *tadhkaras*, were not innovations specific to the legal system. Nevertheless, they had very significant legal implications. For it was these bureaucratic devices that the *siyāsa* repeatedly relied on to identify litigants. Given the meticulous bureaucracy that the military and medical establishments had created (which were briefly sketched above), people had at their disposal a multiplicity of bureaucratic devices that they produced when approaching a police station in order to establish their identity. In addition to the *tadhkara*, the records show that people occasionally produced a vaccination certificate or a conscription certificate to prove that they were who they claimed to be.

Contrasted with the role played by the 'udūl witnesses in a *qādī* court, which effectively embedded individual identity in its communal and local setting, the *siyāsa* relied on a complex and efficient bureaucracy to help ascertain the identity of litigants it dealt with. These new devices that the bureaucracy produced gave rise to a new notion of the individual that was independent of the social and communal setting. These scraps of paper with government stamps and seals on them allowed the state to deal with the individual as such, as an independent entity detached from his or her social milieu and isolated from his or her communal setting. This bureaucratization of identity gave rise to what can be called a 'siyāsa subject' and had far-reaching implications for how the legal system came to be conceived of and how such basic notions as law, justice, and the individual came to be thought of.

<sup>23</sup> ENA, Diwān Khidīwī, Reg. no. S/2/18/1 (old no. 654), letter without no., pp. 138–140, 24 Dhū al-Hijja 1266/1 October 1850. When the Passport Department was late in compiling these registers, causing a backlog, the Alexandria Governorate wrote a reprimand letter: Muhāfazat Iskandariyya, Reg. no. L/3/1/33 (old no. 52), letter no. 24, p. 35, 28 Dhū al-Qa'da 1268/14 September 1852.

<sup>24</sup> ENA, Majlis Khusūsī, Reg. no. S/11/8/6 (old no. 68), doc. no. 63, pp. 99–100, 12 Dhū al-Qa'da 1280/19 April 1864.

## Conclusion

The material presented in this chapter suggests that a transformation in the very notion of the individual had been effected in nineteenth-century Egypt. The first part of the chapter attempted to verify how precisely what Foucault called the 'problem of population' came to be defined in the first half of the nineteenth century in Egypt. By stressing the military and dynastic contexts in which different attempts to count the population took place, the first half of the chapter stressed the medical and public hygiene policies that made it possible by mid-century for the authorities to make a count of the population of Egypt.

The second half, by contrast, traced how a concurrent process of individuating people can also be traced within the field of law. This part of the chapter stressed the differences between the ways in which the two prongs of the legal system, *sharī'ā* and *siyāsa*, identified litigants. Lacking the meticulous social means of establishing identity which were deployed in the *qādī* courts and which had been theorized by the Muslim jurists and perfected in practice over the centuries, the *siyāsa* councils had to resort to alternative mechanisms to ensure that the litigants whom they dealt with were who they claimed to be. Instead of the *'udūl* witnesses, effectively the linchpin between the *qādī* and the community and who could establish not only the identity of litigants and witnesses but also their reputation, the *siyāsa* relied for the same purpose on the textual and documentary devices mentioned above: the census record, the passport, the vaccination certificate, proof of domicile and simple patronymic names.

The introduction of these novel devices of counting and identifying people had far-reaching implications. For these new textual devices not only enabled the *siyāsa* councils to rely on the government bureaucracy in order to ascertain identity; they also led to the appearance of a completely new concept of identity. In contrast to the *qādī* court practice of embedding individual identity in a communal setting and of relying on the community (the tribe, the extended family, the neighbourhood, the village, etc.) to establish the probity and reputation of individuals, the *siyāsa*, by relying instead on the documentary devices of the modern state, could appear to dispense with the communal context altogether as it found alternative means to establish identity, ascertain probity and check reputation.

It was this newly forged, free-floating individual and their bureaucratically-created identity that made the idea of equality thinkable. As is well known, before passing his judgments, the *qādī* has to consider such factors as the gender, the religion and the freedom status (in addition to sanity and age) of the litigants and witnesses appearing in his court. The amount of blood-money, the number of witnesses to be heard, the amount of inheritance a relict is to receive – all these and other questions cannot be addressed except after the *qādī* has paid close attention to whether his litigant is a man or a woman, a Muslim or a non-Muslim, a slave or a free person. By contrast, because it has at its disposal the new

bureaucratic devices mentioned above, the *siyāsa* council can deal with individuals irrespective of gender or religion. It is not that the *siyāsa* archive has no mention of religion, gender or other personal qualifications – rather, these factors do not have a bearing on how a case is viewed, nor are they central in how a person presents himself/herself in front of the police or how he/she articulates his/her case.

The idea of equality before the law, therefore, so central in most accounts of secularization, was born not out of any deep belief in the Enlightenment ideals of the value of each and every individual. Nor was it the result of the pressure applied by European diplomats on leading intellectuals in Istanbul or Cairo to accept the principle of treating their Muslim and non-Muslim subjects equally. The equivalence that was established between members of the same polity was made possible, furthermore, not because of some successful pedagogical exercise that managed to conquer ‘prejudice’ and ‘bigotry’. Rather, legal equality was born as a result of *siyāsa*’s successful attempt to uphold and maintain shari‘a while, at the same time, embracing modern medical and bureaucratic devices. In other words, shari‘a became secularized in nineteenth-century Egypt as a result not of limiting it to the realm of personal status, as is commonly believed, but because of the success of the *siyāsa*, its partner in crime, in embracing the individuating techniques of the modernizing, centralizing state.

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